

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 12/1/03

257

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| AGENDA SECTION: Public Hearings | ORIGINATING DEPT: City Attorney's Office | ITEM NO. E-13 |
| ITEM DESCRIPTION: Appeal by Amy Solum of "potentially dangerous dog" designation declared against her three dogs. | | PREPARED BY: David Goslee DMG |
| <p>On October 30, 2003, the Animal Control Review Panel held a hearing to consider whether three dogs owned by Amy Solum should be designated potentially dangerous dogs. Following the hearing the three dogs were declared "potentially dangerous." Rochester Code of Ordinances (RCO) Section 106A.18, subd. 3(e) provides a dog owner the right to appeal a designation made by the Panel. This appeal is heard by the common council. Ms. Solum has exercised her appeal rights.</p> <p>The issue to be decided by the council following the hearing is whether, by a preponderance of the evidence, the dogs meet the following definition and should be declared "potentially dangerous dogs." A potentially dangerous dog is one that:</p> <ul style="list-style-type: none">(1) when unprovoked, inflicts bites on a human or domestic animal on public or private property; or(2) when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or(3) has a known propensity, tendency or disposition to attack without provocation causing injury or otherwise threatening the safety of humans or other domestic animals. <p>All persons that appeared before the Panel were notified of the hearing before the common council. The council has, outside of the agenda packet, received the Panel's Findings of Fact, Conclusions of Law and Order, as well as the written documentation attached thereto (police reports and documentation provided to the Panel by the dog owner).</p> <p><u>Council action requested:</u> Following the public hearing the council should determine whether any or all of Ms. Solum's dogs should be declared "potentially dangerous" and should direct the City Attorney to prepare findings consistent with that determination.</p> | | |
| COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____ | | |
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258